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and that the limitation in time to the period of the war would be a protection against a permanent assumption of such power by the executive. The prevailing opinion further justified the refusal of a trial by the comment that "It seems obvious that no tribunal for investigating the question whether circumstances of suspicion exist warranting some restraint can be imagined less appropriate than a court of law," since no crime is charged and the only question is whether there is a ground for suspicion that a particular person may be disposed to help the enemy. Lord Shaw's able dissenting opinion goes largely upon the grounds argued by counsel for Zadig and upon the further ground that if Parliament had intended to interfere with the personal liberty and rights of a British subject it would have expressly said so, particularly by suspending the rights as to a writ of *habeas corpus*, as had been done on previous occasions when the nation was at war. The reply of the majority was that Parliament had here selected another way for effecting the same purposes by empowering the Crown "to issue regulations for securing the public safety and the defence of the realm," and that this authority covers "preventive methods, properly so called, for securing the desired end, as well as those methods which are truly punitive". On the other hand, Lord Shaw argued that the statute was meant to prescribe a course of conduct for the citizen, and that he could not be punished until he had offended; that the effect of the regulation would be to put a premium on offending by allowing a trial in case of an actual offender while imprisoning without trial and thus punishing those who had complied with the regulation. It is quite evident that the decision was governed to a considerable extent by the critical circumstances of the time, and that the dissenting opinion of Lord Shaw would in normal times be received favorably. Nevertheless, it is hard to see how the object of the statute could be effectively carried out unless the government were allowed to detain persons suspected of aiding the enemy, even though such detention would amount to punishment.

ESCROW—ORAL CONTRACT—STATUTE OF FRAUDS.—Pursuant to an oral agreement for the exchange of lands the parties thereto deposited their respective deeds with H. Before delivery was made B and C directed H not to deliver their deed to A and wife. H thereupon refused to deliver this deed. Action was brought to compel delivery. *Held*, that admitting that there was a valid escrow, the deposit of the same in escrow did not take the case out of the statute of frauds where there was no written enforceable contract. *McLain v. Healy* (Wash., 1917), 168 Pac. 1.

Prior to this case the law of the state of Washington on this point was uncertain, due to the apparent conflict between the cases of *Nichols v. Oppermann*, 6 Wash. 618, and *Manning v. Foster*, 49 Wash. 541. The principal case reaffirms the indefensible doctrine of the earlier case of *Nichols v. Oppermann*, *supra*, and impliedly overrules the more recent opinion in *Manning v. Foster*, *supra*, thus settling the law in that state. For a collection of other cases supporting this doctrine and comment thereon, see 15 MICH. L. REV. 579.